

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

J. ALEX HALDERMAN,

Plaintiff,

v.

HERRING NETWORKS, INC., D/B/A
ONE AMERICA NEWS NETWORK,
CHARLES HERRING, ROBERT
HERRING SR., and CHANEL RION,

Defendants.

Case No. 2:24-mc-51057-DML-DRG

District Judge: Hon. David M. Lawson

Magistrate Judge: Hon. David R. Grand

**DECLARATION OF JOHN K. EDWARDS IN SUPPORT OF
DEFENDANTS' RESPONSE IN OPPOSITION TO DR. HALDERMAN'S
MOTION TO QUASH OR MODIFY NON-PARTY SUBPOENA
TO TESTIFY AT A DEPOSITION**

I, John K. Edwards, pursuant to 28 U.S.C. § 1746, declare and state as follows based on personal knowledge:

1. I am over the age of 21 and competent to make this declaration. I am an attorney at the law firm of Jackson Walker LLP, and am counsel for Defendants Herring Networks, Inc. d/b/a One America News Network, Charles Herring, Robert Herring, Sr., and Chanel Rion (collectively, "Herring Defendants") in *U.S. Dominion, Inc. et al. v. Herring Networks, Inc. et al.*, No. 1:21-cv-2130-CJN-MAU (D.D.C.) (the "Underlying Action"). I have personal knowledge of the facts stated

in this declaration and those facts are true and correct. This Declaration is submitted to the Court along with certain exhibits in support of *Defendants' Response in Opposition to Dr. Halderman's Motion to Quash or Modify Non-Party Subpoena to Testify at a Deposition* ("Memorandum").

Procedural and Meet-and-Confer History

2. The Underlying Action was brought by U.S. Dominion, Inc.. Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation (together, "Dominion") against the Herring Defendants, alleging defamation based on certain aired broadcasts on the Herring Networks broadcast channel concerning the 2020 national election, and claiming nearly \$2 billion dollars in damages against each defendant.

3. On July 24, 2024, on behalf of the Herring Defendants, I served on counsel for Dr. J. Alex Halderman ("Halderman") a subpoena *ad testificandum* issued by the court where the Underlying Action is pending. The subpoena commanded Halderman to appear for a deposition in Ann Arbor, Michigan, at September 26, 2024, at 9:30 a.m. *See* PageID.60. Halderman's counsel accepted service of the subpoena on behalf of Halderman on July 29, 2024. *See* PageID.89.

4. On August 14, 2024, to accommodate Halderman's teaching schedule, I served on Halderman's counsel an amended subpoena *ad testificandum* issued by the court where the Underlying Action is pending. *See* PageID.85-89. At the request

of Halderman's counsel, the amended subpoena commanded Halderman's appearance at Ann Arbor, Michigan, on September 25, 2024. *See* PageID.70, 76-78.

5. On September 3, 2024, I conferred with counsel for Halderman to discuss the deposition subpoena by telephone. The discussion was focused on what topics would be the subject of the deposition, and I stated that it would relate to discovery of facts, not new opinions, that were of public record or otherwise not subject to any protective order applicable to Halderman in pending litigation.

6. On September 5, 2024, I met and conferred with Halderman's counsel again via telephone conference to discuss the subpoena. I made clear to Halderman's counsel that the Herring Defendants did not seek to elicit unpaid expert opinions during the deposition of Halderman but rather to explore his public statements and facts supporting those statements (which are derived from publicly available reports, testimony, and also communications with Dominion employees). While the focus would be on public statements made by Halderman, it also was not limited to such statements, since Halderman also communicated with third-parties, including Dominion, regarding matters relevant to the Underlying Action. Despite Halderman's counsel having given me a date and location for Halderman's deposition, Halderman's counsel informed me that he intended to move to quash the subpoena. In an email sent on September 9, 2024, after the telephone conference,

counsel for Halderman reiterated his intention to file a motion to quash or modify.
See PageID.82.

7. Halderman filed his Motion to Quash or Modify Non-Party Subpoena to Testify at a Deposition in a Civil Action or in the Alternative for Protective Order and Brief in Support (“Motion”) on September 10, 2024.

8. The Herring Defendants were served with the Motion one day later, on September 11, 2024.

Examples of Halderman’s Public Statements

9. Halderman has made numerous public statements through interviews, tweets, blogs, and other public media regarding relevant issues, about which the Herring Defendants seek to elicit Halderman’s testimony by deposition.

10. A true and correct copy of Steve Friess’s September 4, 2020 article titled “Is Your Vote Secure in Michigan? Cybersecurity Expert Alex Halderman is Cautiously Optimistic” featuring an interview with Halderman and available at <https://www.hourdetroit.com/community/is-voting-secure-in-michigan-cybersecurity-expert-alex-halderman-cautiously-optimistic/> is attached as **Exhibit 1-A**.

11. A true and correct copy of Teresa Lawlor’s August 17, 2020 article titled “Relying on electronic voting machines puts us at risk, security expert says” featuring an interview with Halderman and available at

<https://theworld.org/stories/2020/08/17/relying-electronic-voting-machines-puts-us-risk-security-expert-says> is attached as **Exhibit 1-B**.

12. A true and correct copy of Halderman's June 14, 2023 blog post titled "Security Analysis of the Dominion ImageCast X" available at <https://freedom-to-tinker.com/2023/06/14/security-analysis-of-the-dominion-imagecast-x/> is attached as **Exhibit 1-C**.

13. A true and correct copy of Halderman's November 7, 2020 tweets on the social media platform X available at <https://x.com/jhalderm/status/1325163291161755649> is attached as **Exhibit 1-D**.

Halderman's Analyses of Antrim County Incident

14. Halderman has also authored two public analyses on Antrim County, Michigan's "2020 Election Incident," one in 2021 and one in 2022.

15. A true and correct copy of Halderman's March 26, 2021 report entitled "Analysis of the Antrim County, Michigan November 2020 Election Incident" available at <https://www.michigan.gov/-/media/Project/Websites/sos/30lawens/Antrim.pdf> is attached as **Exhibit 1-E**.

16. A true and correct copy of Halderman's April 10–12, 2022 paper titled "The Antrim County 2020 Election Incident: An Independent Forensic Investigation" available at <https://www.usenix.org/system/files/sec22-halderman.pdf> is attached as **Exhibit 1-F**.

Communications of Halderman and Dominion

17. The Herring Defendants are in possession of communications produced in discovery by Dominion and marked confidential.

18. A true and correct copy of email correspondence Bates-stamped DOM_DC01445553–60 and produced by Dominion in discovery is attached as **Exhibit 1-G.**

19. A true and correct copy of email correspondence Bates-stamped DOM_DC01851194–95 and produced by Dominion in discovery is attached as **Exhibit 1-H.**

20. A true and correct copy of email correspondence Bates-stamped DOM_DC00370259 and produced by Dominion in discovery is attached as **Exhibit 1-I.**

21. A true and correct copy of email correspondence Bates-stamped DOM_DC01593365–66 and produced by Dominion in discovery is attached as **Exhibit 1-J.**

22. A true and correct copy of email correspondence Bates-stamped DOM_NMX04920797 and produced by Dominion in discovery is attached as **Exhibit 1-K.**

23. A true and correct copy of email correspondence Bates-stamped DOM_DC07699971–72 and produced by Dominion in discovery is attached as **Exhibit 1-L**.

Deposition Excerpts of Other Non-Party Witnesses

24. On August 26, 2024, in the Underlying Action, former Dominion employee Dr. Eric Coomer sat for a deposition where he was examined by counsel for the Herring Defendants. True and correct copies of excerpts from Dr. Coomer’s transcribed deposition testimony are attached as **Exhibit 1-M**.

25. On September 23, 2024, in the Underlying Action, the Antrim County clerk and administrator of elections, Ms. Sheryl Guy, sat for a deposition where she was examined by counsel for the Herring Defendants. True and correct copies of excerpts from Ms. Guy’s transcribed deposition testimony are attached as **Exhibit 1-N**.

Halderman’s Contract with Michigan Department of the Attorney General

26. A true and correct copy of the contract executed by Halderman on December 14, 2020 for expert-witness services rendered to the Michigan Department of Attorney General, as produced by the Michigan Secretary of State in discovery and Bates-stamped MichiganSOS.000136–45, is attached as **Exhibit 1-O**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10th day of October 2024 in Houston, Texas.



John K. Edwards